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Security Council

Seventieth year

Provisional

7401st meeting

Friday, 6 March 2015, 12.40 p.m.

New York

President:	Mr. Delattre	(France)
Members:	Angola	Mr. Lucas
	Chad	Mr. Gombo
	Chile	Mr. Barros Melet
	China	Mr. Wang Min
	Jordan	Mr. Hmoud
	Lithuania	Ms. Murmokaitė
	Malaysia	Mrs. Adnin
	New Zealand	Mr. McLay
	Nigeria	Mr. Sarki
	Russian Federation	Mr. Churkin
	Spain	Mr. Fernández-Arias Minuesa
	United Kingdom of Great Britain and Northern Ireland	Sir Mark Lyall Grant
	United States of America	Ms. Power
	Venezuela (Bolivarian Republic of)	Mr. Ramírez Carreño

Agenda

The situation in the Middle East

Letter dated 25 February 2015 from the Secretary-general addressed to the President of the Security Council (S/2015/138)

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The meeting was called to order at 12.40 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East

Letter dated 25 February 2015 from the Secretary-General addressed to the President of the Security Council (S/2015/138)

The President (*spoke in French*): In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representatives of Albania, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, Germany, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Luxembourg, Malta, Montenegro, the Netherlands, Norway, Poland, Portugal, the Republic of Korea, Romania, Serbia, Slovakia, Slovenia and Sweden to participate in the meeting.

The Security Council will now begin its consideration of the item on its agenda.

Members of the Council have before them document S/2015/161, which contains the text of a draft resolution submitted by Albania, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Lithuania, Luxembourg, Malta, Montenegro, the Netherlands, Norway, Poland, Portugal, the Republic of Korea, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

I wish to draw the attention of Council members to document S/2015/138, which contains a letter dated 25 February 2015 from the Secretary-General addressed to the President of the Security Council.

The Council is ready to proceed to the vote on the draft resolution before it. I shall put the draft resolution to the vote now.

A vote was taken by show of hands.

In favour:

Angola, Chad, Chile, China, France, Jordan, Lithuania, Malaysia, New Zealand, Nigeria, Russian Federation, Spain, United Kingdom of Great Britain and Northern Ireland and United States of America

Abstaining:

Venezuela (Bolivarian Republic of)

The President (*spoke in French*): There were 14 votes in favour and one abstention. The draft resolution has been adopted as resolution 2209 (2015).

I shall now give the floor to those members of the Council who wish to make statements following the voting.

Mr. Ramírez Carreño (Bolivarian Republic of Venezuela) (*spoke in Spanish*): The Bolivarian Republic of Venezuela abstained in the voting on resolution 2209 (2015) on chemical weapons in Syria because it believes that it prejudges the investigative process being conducted by the Organization for the Prohibition of Chemical Weapons (OPCW), linking the use of chlorine gas as a chemical weapon in the conflict taking place in that country.

In that respect, we consider it necessary, prior to the adoption of a resolution such as that on which we have abstained, to conclude the investigation to determine who is responsible for such an abominable act, above all given the fact that Syria has been a victim of the barbarism of terrorist groups that have moved into that country with the goal of sowing hatred, intolerance and violence, and that enjoy major military capacities.

Venezuela condemns the use of chemical weapons anywhere in the world, whatever the circumstances or motives, since their use constitutes a war crime. In that regard, we attach great importance to the information provided by the OPCW that all of the chemical weapons declared on the part of Syria have been removed from its territory. That demonstrates the will and commitment of the Syrian authorities to strictly observe the provisions of resolution 2118 (2013) and of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction. The information presented by the OCPW on the removal of chemical weapons is evidence that Syria has fully complied with the provisions of resolution 2118 (2013).

We reiterate our call for a peaceful resolution of the conflict among all parties, in conformity with Chapter VI of the Charter of the United Nations. We affirm our full support for the diplomatic efforts of Mr. Staffan de Mistura, Special Envoy of the Secretary-General, to achieve a firm and lasting peace with the full participation of all sectors of Syrian society. We wish

to responsibly call attention to the fact that resolution 2209 (2015), on which we abstained in the voting, opens a dangerous path to the use of force, which could jeopardize the dialogue process based on the Moscow, Cairo and United Nations initiatives with a view to peacefully ending the conflict.

Mr. Churkin (Russian Federation) (*spoke in Russian*): The Russian Federation voted in favour of resolution 2209 (2015), in connection with the reports of the fact-finding mission of the Organization for the Prohibition of Chemical Weapons (OPCW) regarding the use of chlorine as a chemical weapon in the Syrian Arab Republic (S/2015/138, annex). In that regard, we were guided by our principled position on the unacceptability of the use of chemical weapons by anyone. We also took into account the need for the Security Council to maintain a unified position regarding the Syrian chemical weapons dossier, as embodied in resolution 2118 (2013).

We stress that further activity of the OPCW fact-finding mission should be based on professionalism, objectivity and impartiality. Any conclusions on the facts related to the use of chemical weapons should be based on sound proof. To that end, we should strictly observe the provisions of the General Assembly's resolution on cooperation between the United Nations and the OPCW, which envisions that cases of particular gravity and urgency shall be brought directly to the attention of the General Assembly and the Security Council by the OPCW Executive Council, by way of the Secretary-General, in accordance with existing procedures.

In future, we will strictly base our position on the fact that only the guiding bodies of the OPCW may confirm the facts of alleged violations of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction and resolution 2118 (2013). That approach is envisaged both in the Convention and in the communiqué on the Syrian chemical weapons programme agreed upon by the United States and the Russian Federation on 14 September 2013 in Geneva.

We wish to once again state categorically that we do not accept the possible use of sanctions under Chapter VII of the Charter of the United Nations without an attempt to confirm any allegations based on proof.

Mr. Wang Min (China) (*spoke in Chinese*): China voted in favour of resolution 2209 (2015). China's position on chemical weapons is clear and consistent. We resolutely oppose the use of chemical weapons by anyone in any circumstances, and support the concerted efforts of all relevant parties to fully implement the decisions and resolutions adopted by the Organization for the Prohibition of Chemical Weapons (OPCW) and the Security Council concerning Syrian chemical weapons. In that process, the authority of the Chemical Weapons Convention and the OPCW must be maintained. The Security Council should remain united and always speak with a unanimous voice, which is important in achieving success in the Council's relevant work.

On the basis of this position, China actively participated in the consultations on resolution 2209 (2015) and vigorously pushed for consensus among the relevant parties. We hope that the relevant parties will implement resolution 2209 (2015) in an earnest, comprehensive and precise manner. Any further actions taken by the Council on the Syrian chemical weapons issue should be separately discussed and decided upon by Council members. We hope that resolution 2209 (2015) will help to fostering further Council consensus on the Syrian chemical weapons, facilitate the early completion of the destruction of Syrian chemical weapons, and provide new impetus for a political settlement of the Syrian issue.

China will continue to play its active and constructive role towards a comprehensive, lasting and appropriate solution of the Syrian issue.

Ms. Power (United States of America): We have adopted resolution 2209 (2015) today, a year and a half after the Council adopted a binding resolution in the wake of a horrific, gruesome chemical weapons attack that left more than 1,000 civilians and hundreds of children dead. Resolution 2118 (2013) required the Syrian regime to dismantle and destroy its chemical weapons programme under international supervision. The joint mission of the United Nations and the Organization for the Prohibition of Chemical Weapons (OPCW), with the assistance of numerous Member States, largely succeeded in that task. Yet significant discrepancies remain with Syria's declaration to the OPCW, and the Al-Assad regime must cooperate, as per its obligations under resolution 2118 (2013), to resolve those.

Despite having acceded to the Chemical Weapons Convention, the Al-Assad regime has again

demonstrated its brutality by turning to chlorine as another barbaric weapon in its arsenal against the Syrian people. Today the Council has made it crystal clear that the use of chlorine as a chemical weapon is no less evil than the use of any other chemical as a weapon. The Syrian regime's use of any toxic chemical as a weapon is prohibited by the Chemical Weapons Convention and constitutes a violation of resolution 2118 (2013).

The OPCW's fact-finding mission was not mandated to assign culpability for the chlorine attacks. It was not mandated to do so, yet a couple of Council members are suggesting that the absence of explicit finger-pointing is a form of absolution. Let us look, instead, at what the report actually says. The fact-finding mission concluded with high confidence that there is, "compelling confirmation that a toxic chemical was used as a weapon, systematically and repeatedly" (*S/2015/138, annex 2, para. 29*), in Syria between April and August of 2014.

Further, the third fact-finding mission report lists 32 witnesses who saw or heard the sound of helicopters over three opposition-held villages — Talmenes, Al Tamanah and Kafr Zita in north-west Syria — at the time of the attacks; the vast majority of interviewees either heard or saw barrel bombs falling. Twenty-six witnesses saw a yellow cloud or dust released from those barrel bombs upon impact and 29 smelled a chlorine odour. All of us, of course, know the smell of chlorine. So let us ask ourselves, "Who has helicopters in Syria?" Certainly, the opposition does not. Only the regime does, and we have seen them use their helicopters in countless other attacks on innocent Syrians using barrel bombs.

In resolution 2118 (2013) the Security Council determined that "the use of chemical weapons anywhere constitutes a threat international peace and security". And today we have reaffirmed that any use of a chemical as a weapon, be it sarin or chlorine, is prohibited by the Security Council. As we approach the centenary the first use of chemical weapons on a large scale, at the battle of Ypres, the Security Council must continue to uphold the standards and norms against chemical weapons use and we must work individually and collectively to hold those responsible for such use accountable.

Sir Mark Lyall Grant (United Kingdom): Since the adoption of resolution 2118 (2013) in September 2013, many welcome steps of been taken to destroy the Syrian regime's chemical-weapon stockpile. Yet nearly 18 months on, we are will still faced with the persistent credible reports of chemical-weapon use.

The Organization for the Prohibition of Chemical Weapons (OPCW) fact-finding mission concluded last December with a high degree of confidence that chlorine gas had been systematically used as a weapon. It also noted witness reports that these attacks were carried out by helicopter, which means carried out by the regime. We cannot accept this as a "business as usual". The use of chemical weapons presents a clear threat to international peace and security. it is a must exactly 100 years since the first recorded use of chlorine as a weapon of war, in April 1915. It was horrific then and it is totally unacceptable in the twenty-first century. We cannot change the past but we can prevent the future use of these barbaric weapons.

Resolution 2209 (2015) makes clear that use of chlorine constitutes a breach of the Chemical Weapons Convention. Its use by the regime constitutes yet one more human rights violation. The regime's continued use of barrel bombs, starvation and denial of medical supplies amount to crimes against humanity. The United Kingdom as long argued that the situation in Syria should be referred to the International Criminal Court but, in the face of vetoes by two other Council members, that has not been possible. Today's important resolution puts the Syrian regime on notice that if we receive further credible reports of the use of chlorine as a weapon then the Security Council will take action.

Mr. Hmoud (Jordan) (*spoke in Arabic*): Jordan voted in favor of resolution 2209 (2015), introduced by the United States, related to the use of chemical weapons in Syria. The resolution prohibits the use of chemical weapons in Syria. We voted based on our conviction that the Security Council must deal with the issue in accordance with its prerogatives under the Charter of the United Nations The use of weapons of mass destruction in Syria would have serious consequences for the country and the region.

Jordan condemns the use of all chemical weapons in Syria. It stresses that those who perpetrate such acts must be prosecuted. These are war crimes and crimes against humanity, perpetrated against thousands of innocent civilians. The perpetrators must not be above the law. Furthermore, Jordan fully the supports the activities of the Organization for the Prohibition of Chemical Weapons fact-finding mission. We stress the need to take its conclusions into consideration, in particular those pertaining to the use of chlorine as

a weapon in Syria. That is a crime and a violation of international humanitarian law and of international criminal law, as well as of resolution 2118 (2013). Such acts are indeed a threat to international peace and security. Jordan stresses that measures under Chapter VII of the Charter of the United Nations should be imposed in the case of non-implementation of resolution 2118 (2013) and that a monitoring mechanism should be put in place to ensure that chemical weapons and facilities are never again used in Syria.

The President (*spoke in French*): I shall now make a statement in my capacity as the representative of France.

I would like to thank the United States delegation for having prepared resolution 2209 (2015), on the use of chlorine gas as a weapon of war in the conflict in Syria. France co-sponsored and voted in favor of this important resolution for several reasons. First of all, a year and a half after the adoption resolution 2118 (2013), the Security Council could not remain silent in the face of the horror and the unacceptable character of the attacks using chemical weapons that have continued in Syria in 2014. Today's resolution therefore sends a very strong and clear message against the use of chemical toxins as a weapon of war in Syria, by any party.

The various investigations of the Organization for the Prohibition of Chemical Weapons (OPCW) that have confirmed that chlorine gas has been used as a weapon of war in Syria, along with troubling details on the systematic presence of helicopters during these attacks, are profoundly worrisome. We know that only the Al-Assad regime has such capacities. It is indeed a tragic irony that it is just as the removal and destruction of almost all of the chemical weapons stockpiles having been declared by Syria is being completed that a toxic material not specifically banned by the Convention on Chemical Weapons has been used against the civilian population.

Secondly, through resolution 2209 (2015), the Security Council supports the important work under way in The Hague by OPCW experts aiming to shed light on the allegations on the use of chemical toxic substances in Syria. However, the allegations are continuing and we should maintain a high level of vigilance to events in Syria and urge the Syrian authorities to cooperate fully with the inquiry.

Finally, we hope that the adoption of resolution 2209 (2015) by the Security Council will send a clear message of deterrence on the ground to all the parties to the Syrian conflict. The Security Council cannot and will not stand idly by in the face of violations of resolution 2118 (2013). It commits through this resolution to taking the necessary steps under Chapter VII of the Charter of the United Nations against any party that continues to violate this ban and to continue to seek to bring to Justice all those responsible for such crimes. As we commemorate the hundredth anniversary of the tragic battle of Ypres, where my country, Europe and the world discovered the horror of chemical war, we have a duty to reassert that never again shall such weapons be used.

I now resume my functions as President of the Security Council.

The representative the Russian Federation has requested take the floor to make a further statement.

Mr. Churkin (Russian Federation) (*spoke in Russian*): Unfortunately, the statement made by the the representative of the United States forces me to make rather detailed comments, since Ambassador Power cast the situation in such a light as to suggest that the onus is exclusively on the Government of the Syrian Arab Republic.

Let me start with resolution 2118 (2013). She presented the situation as though that resolution were written in such a way as to prove or demonstrate something, and that only the Government of Syria had to comply. That is not the case. If we look at the text of the resolution, we see that it is clearly addressed to all parties to the Syrian conflict and that a great deal is said about non-State actors. That is no coincidence. Why was it done? It was done because in 2013 two very serious cases concerning the use of chemical weapons occurred in Syria. The first occurred on 19 March in the area of Ghouta, after which the Syrian Government immediately called for an independent United Nations inquiry. It was only as a result of the opposition of several Western members of the Security Council that the inquiry was not carried out immediately.

There was an even more tragic case on 21 August. Ambassador Power alleged, although she did not state it explicitly, that the Syrian Government was behind it. It was not. We deeply discussed that case in the Council's consultations on 16 December, at which we presented an extensive argument that not only was the Syrian Government not behind the sarin attack of 21 August, but that, for technical reasons, it could not have been

behind it. At the time, our Western colleagues did not provide any counter-argument, but merely made unsubstantiated accusations against the Government of Syria. By the way, our statement at that time can be found on our Permanent Mission's website, and I suggest that Council members familiarize themselves with it.

As for the fact-finding mission on the use of chlorine, it seems that even today the United Kingdom and the United States are pointing fingers at the Government of Syria with regard to the use of chlorine. That forces me to share with the Council our experts' assessments of that report, which we have already shared in detail in closed consultations. However, since we have heard these accusations in the Chamber, I am compelled to repeat them.

First, the entire inquiry of the OPCW is based on subjective facts provided by certain witnesses. The criteria for their selection and their status are not clear — whether they were civilians or members of illegal armed groups. Since there was a lack of clarity with the way evidence was maintained, the OPCW did not accept from witnesses and survivors samples of chemicals allegedly found at the site of the barrel bomb explosions. The clinical condition of certain witnesses described in the report co.responds to the effects of chlorine on the human body. At the same time, similar symptoms could be displayed as a result of poisoning by other toxic substances. According to the report, the Mission could not reach a concrete conclusion on which toxic substances were used in the incidents in question. Thus, it is impossible to say unequivocally that those substances contained chlorine.

During the investigation, none of the victims revealed obvious symptoms. There were no analysis of the samples immediately after the incidents, nor was there any pathological assessment of the causes of death. There are no exact figures on the number of people who suffered and there is no indication that they were present at the places where the attacks took place. It is unclear what kind of detonator was used for the gas containers, or what the purpose was of the other chemicals and ammunition — sulphuric acid and yellow and brown substances.

In the photographs and videos annexed to the report, all the ammunition appears to be primitive and homemade. Its manufacture does not correspond to the information provided by the witnesses with regard to possible methods of delivery raises questions about the possibility that Government aviation could have been used. With regard to its construction, the ammunition are casings containing 50 litres. Their detonation could not have to have the kind of consequences described by witnesses. For explosions of such wide coverage, each barrel bomb would need to contain at least 150 kilograms of trinitrotoluene-equivalent explosives, and it would be almost impossible to have that amount in those casings.

The document does not provide information about the direct links between the overflight of helicopters and the explosion of ammunition containing chlorine. Only a few witnesses heard the sound of helicopters. No one actually saw or captured the dropping of ordnance on film. In other words, the explosives could have been exploded on the ground during overflight by helicopters, especially at night. The barrel bombs described are not the made of the precursor chemicals available to the Syrian Army. The use of homemade explosives by the Syrian Army would be difficult to explain because they would cause much less damage than the powerful conventional, aviation-delivered ordnance that the Syrian Air Force is equipped with.

This is unfortunately a highly technical matter, but we have two options. We may either adopt a professional and expert approach. Of course, some people may find this boring, as the reports need to be discussed and experts must consider them, which is why no one reads them; or we can go meet the press and say that the Syrian Government is at fault. Such a media-based approach is very advantageous, but it may in practice protect those who were actually responsible for the acts that took place on 19 March and 21 August 2013 and the more recent ones involving the use of chlorine.

We provide these technical details, but our colleagues find it easier to just smile and say "We know that it is the Government that is responsible". Can we seriously work like that in the Security Council? No. We must not protect the terrorists who have use chemical weapons more than once and have used chemical substances in Iraq and Syria. Yet that is precisely the position of our colleagues. They are providing de facto protection to those individuals.

The President (*spoke in French*): The representative of the United States has asked for the floor to make a further statement.

Ms. Power (United States of America): I will be extremely brief. I would just refer Council members and

anybody watching this meeting to the reports that have been prepared by the experts of the fact-finding mission of the Organization for the Prohibition of Chemical Weapons. I would not myself deign to weigh in at the level of detail as somebody who is a diplomat and not a chemical weapons expert. I would note, however, that the Council, in the wake of the monstrous attack in August 2013, came together and did decide, very much with the Russian Federation's support and partnership, to take away one party's chemical weapons. It is a little strange to take away one party's entire stockpile of chemical weapons in the wake of a monstrous attack and then later claim that the party whose chemical weapons one has taken away is not implicated in that attack.

The President (*spoke in French*): The representative of the Russian Federation has asked for the floor to make a further statement.

Mr. Churkin (Russian Federation) (*spoke in Russian*): That logic is completely distorted. I would even put it another way. It is very strange that the United States stated that the use of chemical weapons by the Government of Syria would be a red line and that it would cause the Unites States to use force, and yet after the events of 21 August it did not do so. Therefore, the Al-Assad Government did not cross that red line. The President of the United States stated that it was a red line and then he did nothing. That means that the Al-Assad Government did not use chemical weapons. It is not just my assumption. Many observers think the same thing.

The meeting rose at 1.10 p.m.